

Anthony A. Zmaila (NV Bar No. 2319)
Email: tony@aaznevada.com
Peter J. Goatz (NV Bar No. 11577)
Email: peter@aaznevada.com
ANTHONY A. ZMAILA LIMITED PLLC
265 East Warm Springs Rd., Suite 100
Las Vegas, Nevada 89119
Telephone: (702) 614-8800
Facsimile: (702) 614-8700

Attorneys for Michael L. Forche, Receiver

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

A/P HOTEL, LLC,

Plaintiff,

v.

LEHMAN BROTHERS HOLDINGS, INC, a
Delaware corporation; WOODLANDS
COMMERCIAL BANK, a Utah corporation;
and DOES I-X, inclusive,

Defendants.

AND RELATED ACTIONS


Case No. 10-cv-00720-RLH-GWF

**NOTICE OF FILING
RECEIVER'S TWELFTH REPORT**

Michael L. Forche, Receiver, gives notice of filing Receiver's Twelfth Report regarding the property (formerly known as the Atrium Suites Las Vegas Hotel) (the "Twelfth Report"). The Twelfth Report, dated April 25, 2011, attached as **Exhibit A**, covers the period March 19, 2011 through April 25, 2011. The Receiver advises the Court and the parties that he is not petitioning for acceptance and approval of the Twelfth Report at this time, but reserves the right to do so.

DATED this 3 day of May, 2011.

ANTHONY A. ZMAILA LIMITED PLLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 3, 2011, she caused a true and correct copy of the foregoing document to be served upon the counsel listed herein via the court general Notice of Electronic Filing:

DOCUMENTS FILED AND SERVED

1. Notice of Filing Receiver's Twelfth Report

■ **By ECF System:**

Andrew P Gordon: agordon@mcdonaldcarano.com, cstuchel@mcdonaldcarano.com

Eric R. Olsen: ERO@gordonsilver.com, usdcnotices@gordonsilver.com, vlt@gordonsilver.com

Stanley W Parry: parrys@ballardspahr.com, darnellk@ballardspahr.com, gradyc@ballardspahr.com, sedillom@ballardspahr.com, waltons@ballardspahr.com

Jon T Pearson: pearsonj@ballardspahr.com, darnellk@ballardspahr.com, gradyc@ballardspahr.com, koronac@ballardspahr.com

John H. Gutke: jgutke@gordonsilver.com, lsliwinski@gordonsilver.com

Michael A Johnson: michael.johnson@aporter.com

□ **By United States Mail:**

I declare under penalty of perjury that the foregoing is true and correct.


An employee of Anthony A. Zmaila Limited PLLC

Exhibit “A”

Exhibit “A”

**A/P Hotel vs. Lehman Bros. Holdings Inc.
and related actions**

Case No. 2:10-cv-00720-RLH-RJJ

**RECEIVER'S TWELVETH REPORT REGARDING THE PROPERTY
(FORMERLY KNOWN AS THE ATRIUM SUITES HOTEL)**

April 25th, 2011

To: The Honorable Roger L. Hunt, United States District Judge
The Parties and their Counsel

In accordance with the Order Appointing Receiver, entered on December 16, 2009, this report covers the time period following Receiver's eleventh report, filed on March 28, 2011. This Twelfth Report covers the period March 19, 2011 through April 25, 2011 ("Reporting Period").

I. RECEIVER'S INITIATIVES AND ACTIVITIES

A. Full time security and scheduled maintenance operations continue on the premises. Receiver inspects the property regularly, monitors the operational expenses, and is preparing for the seasonal temperature increases. The HVAC system will be re-started to provide limited air circulation and ventilation.

B. The property's condition has improved substantially since the fourth quarter of 2010 in terms of cleanliness, organization of materials, and removal of dust and debris. Numerous smoke alarm activities occurred last spring/summer likely due to airborne dust. That condition has been substantially reduced.

C. Vegas Valley Fire Protection, a licensed, insured contractor, commenced the Clark County Fire Dept. required fire protection contract for quarterly and annual inspections effective April 2011.

D. Graffiti vandalism was observed and reported in the outdoor pool area on or about April 12, 2011. Morrison Security believes the incident took place due to a lack of lighting in the parking area on the west side of the property. Receiver is working with an electrical subcontractor to determine the most economical solution to restore all, or limited, parking lot lighting. Presently, the pool lighting is turned on at night to deter intruders.

E. Exterior and landscape maintenance will be carried out by Receiver's Manpower personnel effective May 1, 2011. Landscaping upkeep, beyond routine trimming, will be carried out by a landscape contractor if necessary.

F. Scheduled cleaning and maintenance continues throughout the property

G. As reported previously, the Property tax payment due on March 7, 2011 was paid by Receiver to the Clark County Treasurer on February 23, 2011.

II. CHANGES TO THE ASSET UNDER RECEIVERSHIP AND FUTURE ACTIONS PLANNED IN THE SECOND QUARTER OF 2011

A. Scheduled routine maintenance continues. Actions are taken as necessary to prevent loss and damage to the building components and the exterior premises. Receiver is working to determine a night lighting solution for the back of the property.

B. Tiberti Fence Co. has replaced the damaged gate components at the entrance to the property on Paradise Rd.

C. The Paradise Road sidewalk and the front of the property are cleaned multiple times weekly (the accumulation of cans and bottles on or near the property's screen fence are removed).

D. An HVAC contractor will assist Receiver in the resumption of fan ventilation, and limited air conditioning, to the interior of the property. All thermostats will be regulated by the security supervisor and Receiver maintenance staff.

E. In connection with the proposed settlement of the litigation, Receiver and Counsel assisted principals of the parties to arrange site visits and contacts with local contractors.

III. LEGAL MATTERS AND COUNSEL

A. Receiver's Counsel assisted Receiver with the following legal and related matters:

1. Reviewing and reporting to Receiver on papers filed with the Court
2. Reviewing and reporting to Receiver on papers filed with the Ninth Circuit
3. Assisting Receiver with preparation and filing of Receiver's Eleventh Report.

IV. RECEIVER FEES FOR THE REPORTING PERIOD

A. Receiver requests \$5,000 for the Reporting Period, including staff costs, which does not exceed the amount set out in Exhibit I of the Amended Order Appointing Receiver.

B. For the Reporting Period, the fees and expenses of the Zmaila Firm should not exceed \$2,000.

Respectfully submitted,



Michael L. Forche - Receiver